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CHIPMOS TECHNOLOGIES, INC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Freescal Semiconductor, Inc.,

Plaintiff,

v.

ChipMOS Technologies, Inc.,

Defendant.

Case No. C-09-03689-JF-RS

**STIPULATED REQUEST AND
~~[PROPOSED]~~ ORDER TO EXTEND
BRIEFING SCHEDULE FOR
CHIPMOS'S MOTION FOR
SUMMARY JUDGMENT**

Date: N/A
Time: N/A
Courtroom: 3, 5th Floor
Judge: Hon. Jeremy Fogel

Pursuant to Local Rule 6-2, Plaintiff Freescal Semiconductor, Inc. ("Freescal") and Defendant ChipMOS Technologies, Inc. ("ChipMOS," and together with Freescal, the "Parties") jointly submit this stipulated request to extend the briefing schedule for ChipMOS's Motion for Summary Judgment.

According to Civil Local Rule 7-2, "all motions must be filed, served and noticed in writing on the motion calendar of the assigned Judge for hearing not less than 35 days after service of the motion." Civil Local Rule 7-3 provides that "[a]ny opposition to a motion must be served and filed not more than 14 days after the motion is served and filed" and that "[a]ny reply to an opposition must be served and filed by the moving party not more than 7 days after the

1 opposition is served and filed.”

2 On July 1, 2011, ChipMOS served on Freescale a Motion for Summary Judgment, noticed
 3 for hearing on August 12, 2011. Under Civil Local Rule 7-3, Freescale’s opposition brief to
 4 ChipMOS’s Motion for Summary Judgment would be due on July 15, and ChipMOS’s reply brief
 5 would be due on July 22. *See* Civ. L.R. 7-3. The Parties have agreed amongst themselves,
 6 subject to the Court’s approval, to permit (1) Freescale to file its opposition brief on July 22 and
 7 (2) ChipMOS to file its reply brief on July 29.

8 Given the Parties’ agreement on the proposed schedule, the Parties request that the Court
 9 set the briefing schedule for ChipMOS’s Motion for Summary Judgment as follows:

10	July 22	Deadline to File Opposition Brief
11	July 29	Deadline to File Reply Brief
12	August 12	Hearing

13 This extended briefing schedule would not affect the currently noticed hearing date of August 12,
 14 2011 and would have no other effect on the current case schedule.¹

15 This request for an extension is supported by the Declaration of Jacqueline K. S. Lee, filed
 16 concurrently herewith.

17 **IT IS SO STIPULATED.**

18 Dated: July 1, 2011

JONES DAY

20 By: /s/ Jacqueline K. S. Lee
 21 Jacqueline K. S. Lee

22 Counsel for Plaintiff
 FREESCALE SEMICONDUCTOR, INC.

23 In accordance with General Order No. 45, Section X(B), the above signatory attests that
 24 Concurrence in the filing of this document has been obtained from the signatory below.

26 _____
 27 ¹ Under the Parties’ proposed extended briefing schedule, the deadlines to file opposition
 28 and reply briefs in connection with ChipMOS’s Motion for Summary Judgment will occur before,
 and thus will not affect, the deadlines to file responses and replies in connection with dispositive
 motions set forth in the Joint Schedule Order. *See* ECF No. 72.

1 Dated: July 1, 2011

COOLEY LLP

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3 By: /s/ Shanee Y. W. Nelson
4 Shanee Y. W. Nelson

5 Counsel for Defendant
6 CHIPMOS TECHNOLOGIES, INC.

7 **IT IS SO ORDERED.**

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11 DATED: 7/14/2011

By: 

Hon. Jeremy Fogel